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Docket No.: 209294US-2

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/867,464

Applicants: Takahisa KIKUCHI

Filing Date: May 31, 2001

For: EVALUATION METHOD . . .

Group Art Unit: 2863

Examiner: T. Lau

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SIR:

Attached hereto for filing is the following paper:

**PROVISIONAL ELECTION**

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted document, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the above-listed document timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

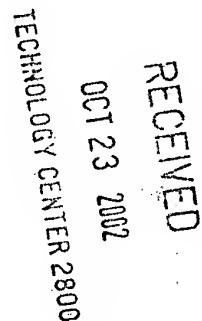
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Atty. Docket No. 209294US-210/23/02

#8/Election  
Brown  
PATENT  
OCT 23/02

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Takahisa KIKUCHI : EXAMINER: T. Lau  
SERIAL NO: 09/867,464 :  
FILED: MAY 31, 2001 : GROUP ART UNIT: 2863  
FOR: EVALUATION METHOD... :

PROVISIONAL ELECTION

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SIR:

This communication is in response to the Official Action dated September 20, 2002.

REMARKS

In response to the Restriction/Election Requirement imposed in the outstanding Official Action, Applicant provisionally elects, with traverse, Claims 5-12 for further examination on the merits in the present application. Applicant believes Claims 5-12 correspond to the species designated as "statistical analysis" in the Official Action. Applicant notes that Claim 1 is generic to all species as acknowledged by the Examiner in the Official Action.

Applicant respectfully traverses the Election Requirement for several reasons.

First, the outstanding Official Action merely includes the conclusory statement that "The application contains claims directed to . . . patentably distinct species . . ." without